

REMARKS

Receipt of the Office Action of August 30, 2005 is gratefully acknowledged.

Claims 9 - 16 have been re-examined and these have been rejected over newly cited art as follows: claims 9, 10 and 16 as anticipated by Shidara et al under 35 USC 102(b); claims 11 - 14 as unpatentable under 35 USC 103(a) by Shidara et al in view of Schwols; and claim 15 as unpatentable under 35 USC 103(a) by Shidara et al in view of Belt et al

These rejections have been carefully considered and are respectfully traversed.

Claim 9 recites two steps. The examiner has identified each step and referred applicant to passages in Shidara et al that supposedly meet these steps. For example, the examiner identifies col. 4, lines 55 - 67, col. 5, lines 1 - 20, col. 7, lines 50 - 60, col. 10, lines 45 - 65, col. 25, lines 11 - 67 and col. 26, lines 1 - 47 for a showing of step 1. These passages have been carefully considered, but the result reached by applicant is, however, not the same.

There certainly are some similarities between the present invention as disclosed and what the references cited disclose, and perhaps the similarities have led the examiner to conclude that there is identity (which there must be for 35 USC 102 to apply). The reality is, however, that there are parts missing in Shidara et al. For example, where is the operating program BW in Shidara et al? The identified passages do not describe one. The sequence program noted in col. 4, lines 55 - 67, is not such a program. We really need go no further to demonstrate that Shidara et al does not anticipate claim 9, or any of the claims dependent from claim 9.


As to unpatentability under 35 USC 103, we need only consider whether Schwols et al or Belt et al can pick-up the slack, i.e., provide the teaching which, as noted above, Shibara et al lacks. Applicant has studied both Schwols et al

U.S. Pat. Appl. 10/700,048

and Belt et al and can only conclude that they do not. It is submitted, therefore, that the combination of Shidara et al with either, or even both Schwols et al and Belt et al can not render the pending claims unpatentable under 35 USC 103.

Reconsideration and re-examination are respectfully requested and claims 9 - 16 found allowable

Respectfully submitted,
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